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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

March 22, 2011

Smithfield Irrigation Company
C/O Jeff Gittins, President
152 West 200 South
Smithfield, UT 84335

RE: Acres irrigated under Smithfield Irrigation Company water rights

Dear Jeff:

As you know, the Summit Creek Distribution System is currently in a state of flux; many aspects of the system are being reviewed and changes in the operation of the system are being discussed. As part of this review, we believe that a better definition of the Smithfield Irrigation Company's Summit Creek water right (25-6109) is necessary for a priority-based regulation of the Summit Creek diversions by the water commissioner. In particular, it is required to have a definition of the lands irrigated under water right 25-6109 and its supplemental water rights.

This is the same issue that was discussed at the meeting on November 24, 2010 regarding approved change applications for wells 25-3308(a28294), 25-3338(a28295), 25-3218(a28297) and 25-2320(a28296). You'll recall that the discussion centered on the limitation of the company's water right to Summit Creek under water right 25-6109 and some of these supplemental wells to the irrigation of 2000.82 acres under the adjudication. Prior mapping of your company's irrigation system showed that up to 3416.8 acres are being irrigated from Summit Creek.

Under Utah water law (73-1-3, UAC), beneficial use is the limit of the water right. To prevent enlargement and over-diversion, it is necessary that the acres involved under each right be defined as required.

Change application 25-6109 (a15670) for diversion of water from Summit Creek was approved on October 11, 1995 with condition of approval:

4. Smithfield Irrigation will define that acreage for which Water Right Number 25-6109 is the primary water supply. Also the company will define the acreages for which claims supplemental to Water Right Number 25-6109 are the primary water supply. The definitions of acreages as described are to be submitted to the State Engineer by January 31, 1998.

The approval of the change applications on the wells also require this definition and states:

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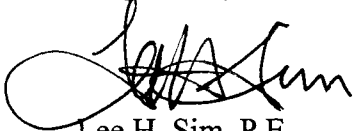
The applicant will be required to cease irrigating acres that have no sole supply designation. This information is required to provide sufficient definition of the rights owned by Smithfield Irrigation Company or used by other owners in conjunction with Smithfield Irrigation Company's water rights on the 3416.8 acres. This will help to ensure that no enlargement of any of the right occurs.

The deadlines set in these previous orders have long since passed. We now request that the acreage for which Water Right Number 25-6109 is the primary water supply and the acreages for which claims supplemental to Water Right Number 25-6109 are the primary water supply be identified and defined during the 2011 irrigation season. This issue has a direct impact on a priority distribution of water from Summit Creek, so we would appreciate your assistance in resolving it as soon as possible.

In addition, you may wish to consider filing any necessary change applications.

If you have any questions concerning this request, please contact me at 801-538-7380 or at LeeSim@utah.gov or Will Atkin, Regional Engineer at 435-752-8755 or at WillAtkin@utah.gov.

Respectfully,

A handwritten signature in black ink, appearing to read 'Lee H. Sim', with a large, stylized loop at the beginning.

Lee H. Sim, P.E.

Assistant State Engineer for Field Services

Cc: Will Atkin, Regional Engineer